

Daniel and Allison Vess  
9811 Hampton Lane  
Fairfax, VA 22030

March 28, 2013

Members of the City of Fairfax Board of Zoning Appeals,

Thank you for deferring our application so that we could consider other options for your consideration.

We are requesting the board to consider a reduction of the 25 foot setback restriction down to 14 feet. The original request (presented in February 2013 meeting) was for a reduction to 10 feet.

This new request of a 14 foot setback will permit us to build a garage approximately 20 feet wide, allowing us to use the garage for parking of 1 car plus other items associated with a busy active family (bikes, scooters, sports equipment).

This reduced setback would still allow for the construction of the mudroom so no modifications would be required to that part of the plan.

The new setback request will only for a structure that will be smaller, by approximately 12", than the width of the current driveway.

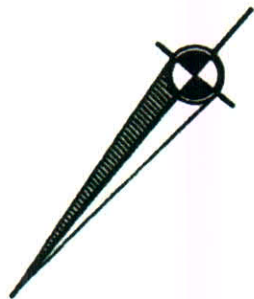
Once again, this garage will not be converted into future living space, it will be maintained as a garage and used for parking and storage. Please continue to consider the benefits previously discussed and presented in our original application as to the placement at the end of our current home versus placing the structure in the rear.

Thank you again for considering our application. We are grateful to the board for considering other options than what was originally presented.

Thank you

Daniel and Allison Vess

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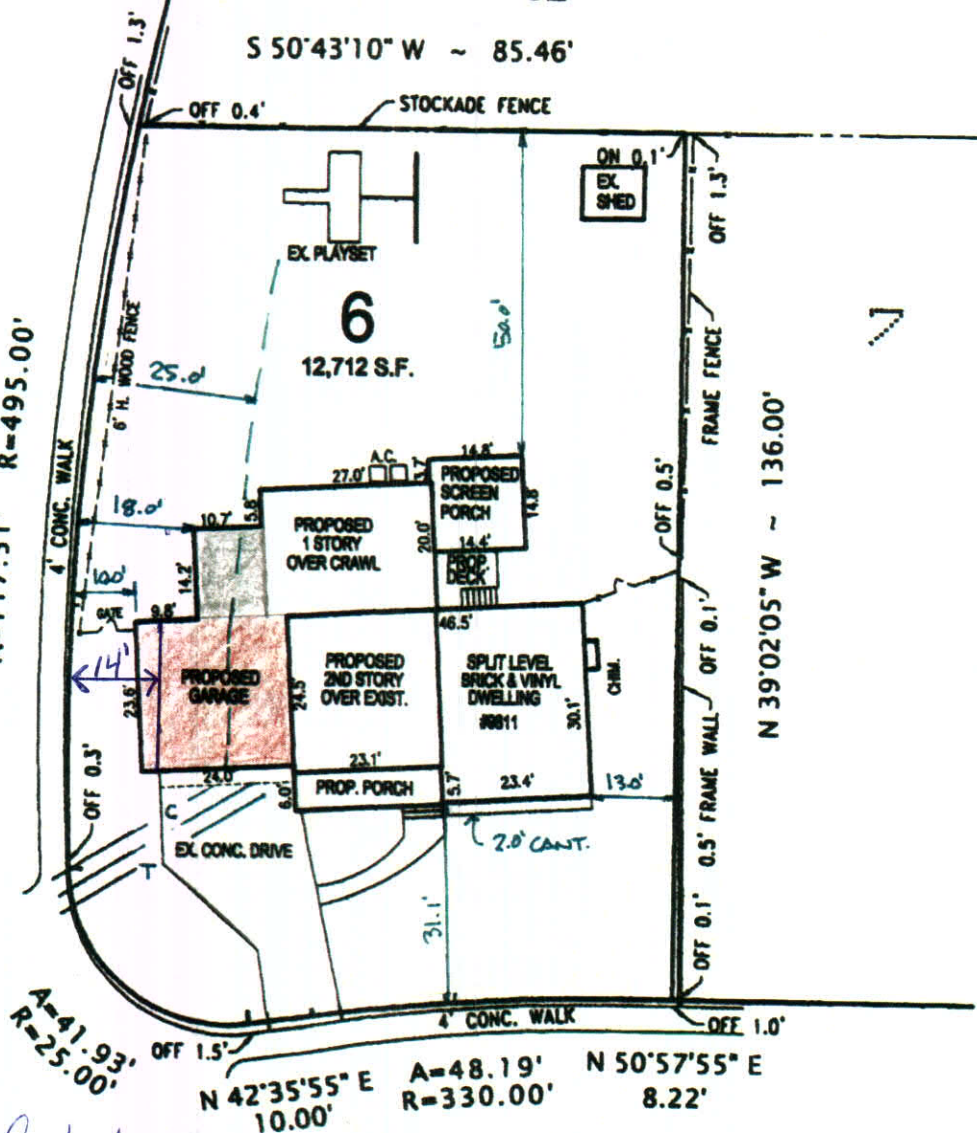
QUEEN ANNE DRIVE  
50' R/W

A=117.51' R=495.00'

A=41.93' R=25.00'

AMAN'S  
FAIRMONT ESTATES  
18

S 50°43'10" W ~ 85.46'



HAMPTON LANE  
50' R/W

Plat Revised by  
staff to reflect  
the applicant's  
proposed changes  
in March 28, 2013  
letter.

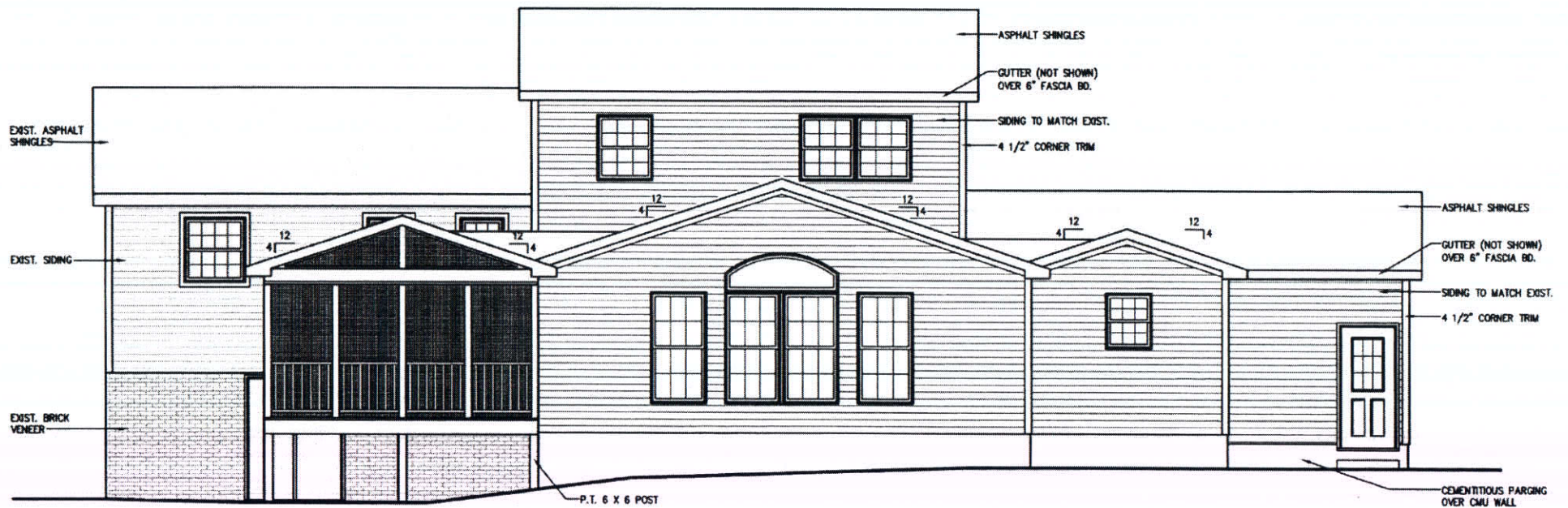
PLAT  
SHOWING HOUSE LOCATION ON  
LOT 6, SECTION 6  
**FAIRMONT ESTATES**  
CITY OF FAIRMONT, VIRGINIA  
SCALE: 1" = 30' JUNE 29, 2000

RECEIVED

NOV 30 2012

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ment



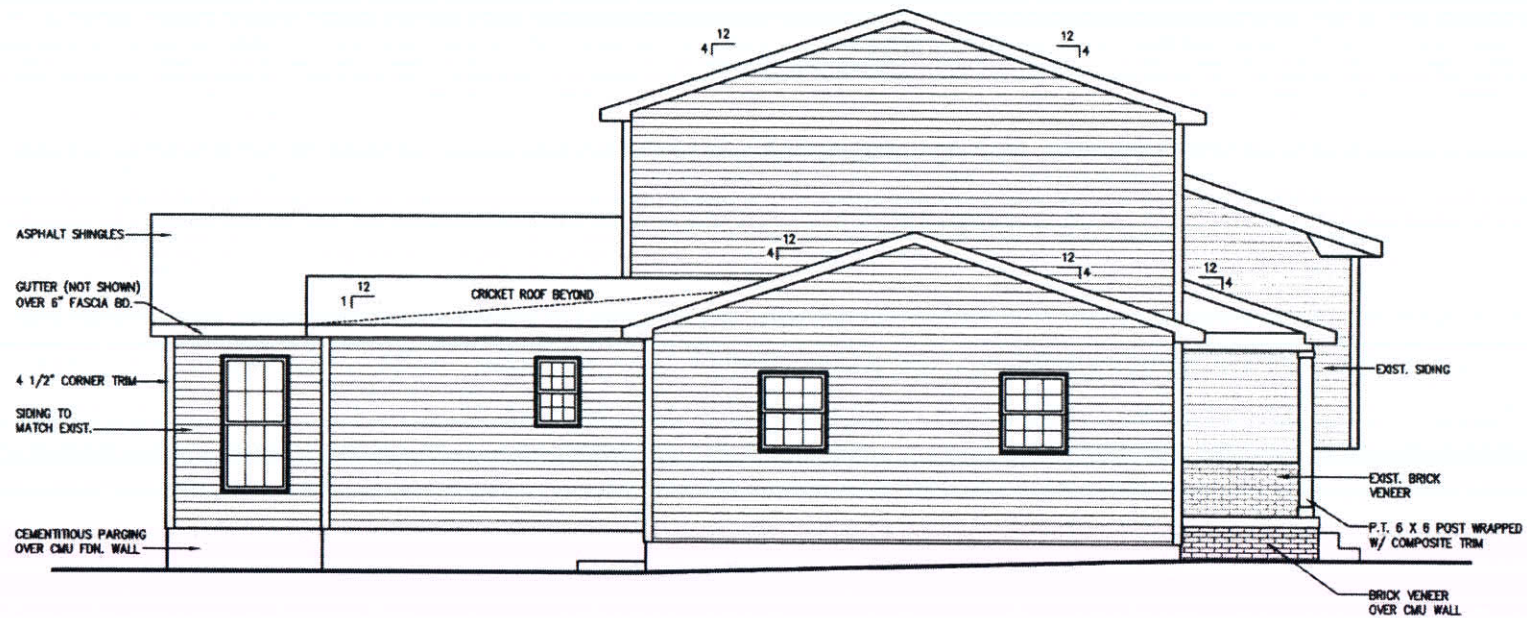


REAR ELEVATION - OPTION 1

VESS RESIDENCE

1/8" = 1'-0"

OCT 22, 2012



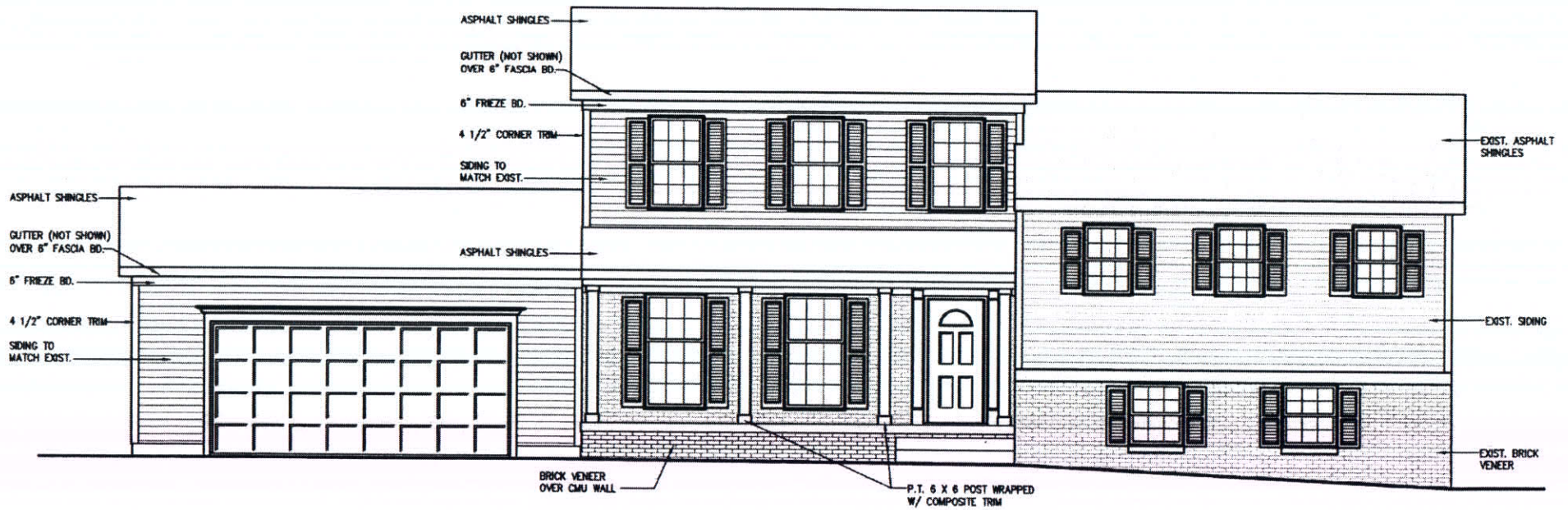
GARAGE SIDE ELEVATION - OPTION 1

VESS RESIDENCE

1/8" = 1'-0"

OCT 22, 2012



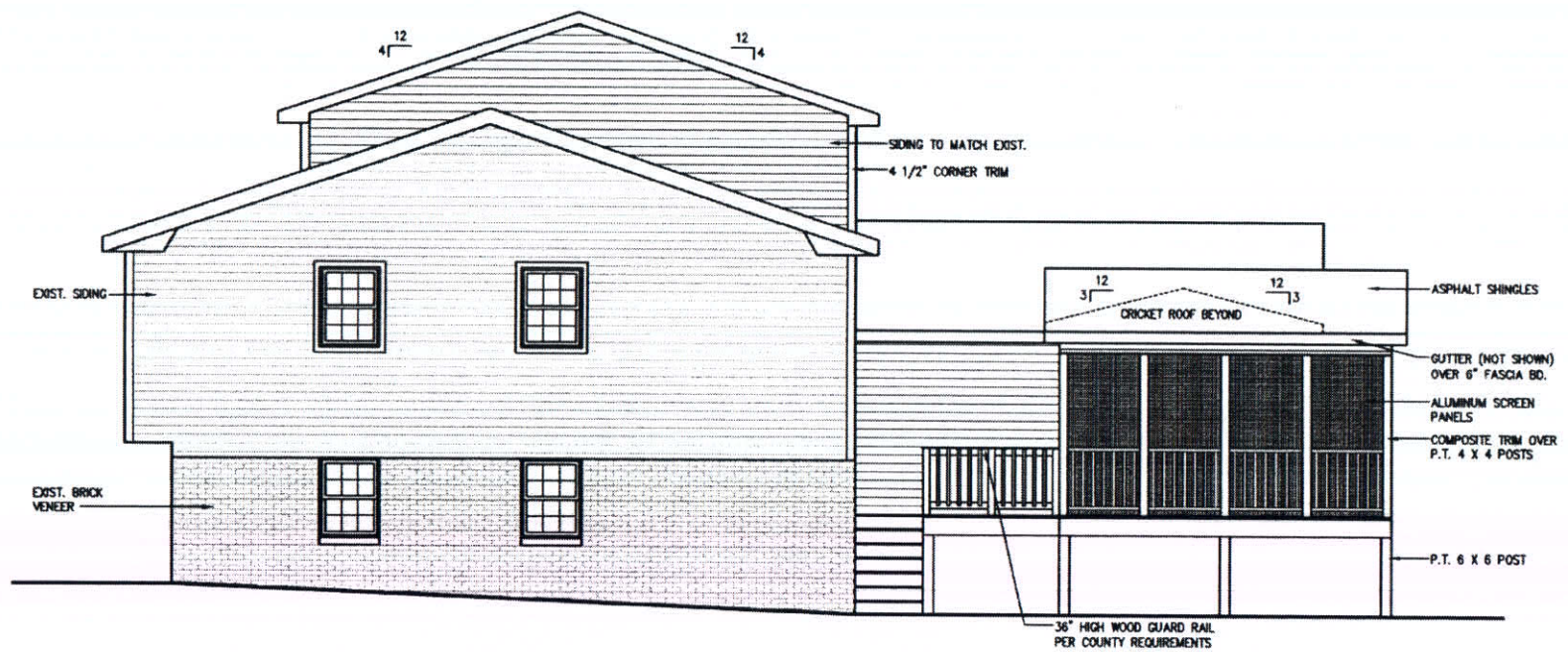


FRONT ELEVATION - OPTION 1

VESS RESIDENCE

1/8" = 1'-0"

OCT 22, 2012



SCREEN PORCH SIDE ELEVATION - OPTION 1

VESS RESIDENCE

1/8" = 1'-0"

OCT 22, 2012



**Board of Zoning Appeals  
City of Fairfax**

**PROPOSED RESOLUTION NO. 2013 - \_\_\_\_\_  
(With Staff Recommended Conditions)**

RESOLUTION TO APPROVE THE REQUEST OF DANIEL AND ALLISON VESS, PROPERTY OWNERS, PURSUANT TO CITY CODE SECTIONS 110-518 AND 110-369, FOR A SPECIAL EXCEPTION TO CITY CODE SECTION 110-517(3) B TO REDUCE THE FRONT YARD SETBACK TO 14 FEET WHERE A 25-FOOT-WIDE SETBACK IS REQUIRED FOR CONSTRUCTION OF AN SINGLE STOREY ADDITION (GARAGE WITH MUD ROOM) TO THE EXISTING SINGLE-FAMILY DETACHED RESIDENCE IN THE R-3 RESIDENTIAL DISTRICT ON THE PREMISES KNOWN AS 9811 HAMPTON LANE, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-1-((14))-006.

WHEREAS, Daniel and Allison Vess have submitted Application No. SE-11050169 requesting a Special Exception from City Code Section 110-517(3)b;

WHEREAS, the Board of Zoning Appeals has carefully considered the application, the recommendation of the staff and testimony received at the public hearing; and

WHEREAS, the Board of Zoning Appeals has determined that the proposed Special Exception is appropriate because the proposal meets the criteria established by City of Fairfax City Code Section 110-369(6) as follows:

1. The proposal is not inconsistent with the objectives of the Comprehensive Plan as it represents a reasonable improvement to the subject property.
2. The size and shape of the subject site is adequate for the existing residential use and to accommodate the requested building addition without adversely impacting adjoining properties.
3. The request for a 11-foot reduction to the front yard setback is not unreasonable given the existing structures design, lot configuration and requirements of this chapter that make siting the proposed improvement elsewhere ineffective.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Fairfax on this 2<sup>nd</sup> day of April, 2013, that Application No. SE-11050169 be and hereby is APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall construct the proposed addition in substantial conformance with the plat for 9811 Hampton Lane dated June 29, 2000, as amended by the applicant and submitted with the subject application and further revised to reduce the proposed garage to a 12-foot-wide one-car garage.



2. The applicant shall ensure the garage addition is used principally for vehicle storage.
3. The applicant shall amend the elevations of the garage addition to depict brick or stone elements including but limited to a watertable that is compatible with the existing materials subject to review and approval by the Zoning Administrator.
4. The applicant shall install plant material along Queen Anne Drive or along the foundation to mitigate the reduced yard area and add to the residential character of the garage addition, subject to review and approval by the Zoning Administrator.

Public hearing before Board of Zoning Appeals: April 2<sup>nd</sup>, 2013

Adopted: \_\_\_\_\_

	Vote
Chairperson John O'B Clarke Jr.	_____
Member Edward Calabria	_____
Member Ellen Brouwer	_____
Member Robert Matthews	_____
Member Gary Perryman	_____

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Alexis El-Hage,  
Secretary

**Board of Zoning Appeals  
City of Fairfax**

**PROPOSED RESOLUTION NO. 2013 - \_\_\_\_\_  
(As requested by the Applicant – BZA to provide Conditions)**

RESOLUTION TO APPROVE THE REQUEST OF DANIEL AND ALLISON VESS, PROPERTY OWNERS, PURSUANT TO CITY CODE SECTIONS 110-518 AND 110-369, FOR A SPECIAL EXCEPTION TO CITY CODE SECTION 110-517(3) B TO REDUCE THE FRONT YARD SETBACK TO 14 FEET WHERE A 25-FOOT-WIDE SETBACK IS REQUIRED FOR CONSTRUCTION OF AN SINGLE STOREY ADDITION (GARAGE WITH MUD ROOM) TO THE EXISTING SINGLE-FAMILY DETACHED RESIDENCE IN THE R-3 RESIDENTIAL DISTRICT ON THE PREMISES KNOWN AS 9811 HAMPTON LANE, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-1-((14))-006.

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WHEREAS, the Board of Zoning Appeals has determined that the proposed Special Exception is appropriate because the proposal meets the criteria established by City of Fairfax City Code Section 110-369(6) as follows:

1. The proposal is not inconsistent with the objectives of the Comprehensive Plan as it represents a reasonable improvement to the subject property.
2. The size and shape of the subject site is adequate for the existing residential use and to accommodate the requested building addition without adversely impacting adjoining properties.
3. The request for an 11-foot reduction to the front yard setback is not unreasonable given the existing structures design, lot configuration and requirements of this chapter that make siting the proposed improvement elsewhere ineffective.

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1. The applicant shall construct the proposed addition in substantial conformance with the plat for 9811 Hampton Lane dated June 29, 2000, as amended by the applicant and submitted with the subject application.

2. The applicant shall??
3. The applicant shall ??
4. The applicant shall ??

Public hearing before Board of Zoning Appeals: April 2<sup>nd</sup>, 2013

Adopted: \_\_\_\_\_

	Vote
Chairperson John O'B Clarke Jr.	_____
Member Edward Calabria	_____
Member Ellen Brouwer	_____
Member Robert Matthews	_____
Member Gary Perryman	_____

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Alexis El-Hage,  
Secretary



**SAMPLE MOTION FOR DENIAL**  
**(Original Motion Recommended by Staff)**

I MOVE THAT THE BOARD OF ZONING APPEALS DENY THE REQUEST OF DANIEL AND ALLISON VESS, PROPERTY OWNERS, PURSUANT TO CITY CODE SECTIONS 110-518 AND 110-369, FOR A SPECIAL EXCEPTION TO CITY CODE SECTION 110-517(3) B TO REDUCE THE FRONT YARD SETBACK TO 14 FEET WHERE A 25-FOOT-WIDE SETBACK IS REQUIRED FOR CONSTRUCTION OF AN SINGLE STOREY ADDITION (GARAGE WITH MUD ROOM) TO THE EXISTING SINGLE-FAMILY DETACHED RESIDENCE IN THE R-3 RESIDENTIAL DISTRICT ON THE PREMISES KNOWN AS 9811 HAMPTON LANE, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-1-((14))-006 FOR THE FOLLOWING REASONS:

1. The extent of the request for relief from the City standard is not consistent with Plan objectives to preserve existing neighborhood character.
2. The site is inadequate in size and shape to accommodate the proposed two-car garage in addition to the other planned improvements.
3. The proposal for reduction of the required front yard will set a precedent for granting relief along Queen Anne Drive that could negatively affect standards for neighborhood improvement and the streetscape.
4. The applicant has not demonstrated that the requirements of this chapter are unreasonable or impractical due to unusual building design, lot shape or mature vegetation; or there are practical siting constraints where original placement of the dwelling on the lot prohibits reasonable improvements that meet existing requirements.
5. The proposal to reduce the required front yard and allow placement of the garage sidewall 14 feet from the public right-of-way where 25 feet is required does not maximize quality residential development to the streetscape.

**SAMPLE MOTION FOR APPROVAL WITH CONDITIONS  
(Original Alternate Motion by Staff)**

I MOVE THAT THE BOARD OF ZONING APPEALS ADOPT THE ATTACHED RESOLUTION TO APPROVE THE REQUEST OF REQUEST OF DANIEL AND ALLISON VESS, PROPERTY OWNERS, PURSUANT TO CITY CODE SECTIONS 110-518 AND 110-369, FOR A SPECIAL EXCEPTION TO CITY CODE SECTION 110-517(3) B TO REDUCE THE FRONT YARD SETBACK TO 14 FEET WHERE A 25-FOOT-WIDE SETBACK IS REQUIRED FOR CONSTRUCTION OF AN SINGLE STOREY ADDITION (GARAGE WITH MUD ROOM) TO THE EXISTING SINGLE-FAMILY DETACHED RESIDENCE IN THE R-3 RESIDENTIAL DISTRICT ON THE PREMISES KNOWN AS 9811 HAMPTON LANE, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-1-((14))-006 SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall construct the proposed addition in substantial conformance with the plat for 9811 Hampton Lane dated June 29, 2000, as amended by the applicant and submitted with the subject application and further revised to reduce the proposed garage to a 12-foot-wide one-car garage.
2. The applicant shall ensure the garage addition is used principally for vehicle storage.
3. The applicant shall amend the elevations of the garage addition to depict brick or stone elements including but limited to a watertable that is compatible with the existing materials subject to review and approval by the Zoning Administrator.
4. The applicant shall install plant material along Queen Anne Drive or along the foundation to mitigate the reduced yard area and add to the residential character of the garage addition, subject to review and approval by the Zoning Administrator.

**SAMPLE MOTION FOR APPROVAL WITH CONDITIONS  
(Amended Request by the Applicant submitted March 28, 2013)**

I MOVE THAT THE BOARD OF ZONING APPEALS ADOPT THE ATTACHED RESOLUTION TO APPROVE THE REQUEST OF DANIEL AND ALLISON VESS, PROPERTY OWNERS, PURSUANT TO CITY CODE SECTIONS 110-518 AND 110-369, FOR A SPECIAL EXCEPTION TO CITY CODE SECTION 110-517(3) B TO REDUCE THE FRONT YARD SETBACK TO 14 FEET WHERE A 25-FOOT-WIDE SETBACK IS REQUIRED FOR CONSTRUCTION OF AN SINGLE STOREY ADDITION (GARAGE WITH MUD ROOM) TO THE EXISTING SINGLE-FAMILY DETACHED RESIDENCE IN THE R-3 RESIDENTIAL DISTRICT ON THE PREMISES KNOWN AS 9811 HAMPTON LANE, AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-1-((14))-006 SUBJECT TO THE FOLLOWING CONDITIONS:

*(BZA to provide conditions)*





# CITY OF FAIRFAX

## Department of Community Development & Planning

### Special Exception Request SE-11050169

#### PUBLIC HEARING DATE

February 5, 2013

#### APPLICANT

Daniel and Allison Vess  
property owners

#### AGENT

n/a

#### PARCEL DATA

##### *Tax Map ID*

◇ 58-1-14-006

##### *Street Address*

◇ 9811 Hampton Lane

##### *Zoning District*

◇ R-3 Residential

#### APPLICATION SUMMARY

The applicants requests Board of Zoning Appeals approval, pursuant to City Code sections 110-518 and 110-369, for a special exception to City Code Section 110-517(3)b to reduce the front yard setback to 10 feet where a 25-foot-wide setback is required for construction of additions (two-car garage and mud room) to the existing single-family detached residence in the R-3 Residential District on the premises known as 9811 Hampton Lane

#### STAFF RECOMMENDATION

Based on analysis of the criteria contained City Code Section 110-369, staff recommends denial of the applicants' request for a Special Exception to reduce the required front yard to 10 feet where a 25-foot-wide front yard is required.

If the Board should choose to support the application staff recommends the following development conditions:

1. The applicant shall construct the proposed addition in substantial conformance with the plat for 9811 Hampton Lane dated June 29, 2000, as amended by the applicant and submitted with the subject application and further revised to reduce the proposed garage to a 12-foot-wide one-car garage.
2. The applicant shall ensure the garage addition is used principally for vehicle storage.
3. The applicant shall amend the elevations of the garage addition to depict brick or stone elements including but limited to a watertable compatible with the existing materials subject to review and approval by the Zoning Administrator.
4. The applicant shall install plant material along Queen Anne Drive or along the foundation to mitigate the reduced yard area and add to the residential character of the garage addition, subject to review and approval by the Zoning Administrator.

**BACKGROUND INFORMATION**

The subject property is zoned R-3 Residential and located at the southeastern corner of the intersection of Hampton Lane and Queen Anne Drive. It is a 0.292-acre parcel originally recorded as part of the Fairmont Estates subdivision. The split-level residential structure was built in 1963, has an approximately 1400 square-foot footprint, and has nine rooms including five bedrooms and three full bathrooms. Both Hampton Lane and Queen Anne Drive have a 50-foot-wide right-of-way which includes public sidewalks.

The existing residential structure sits approximately 31 feet from the front property line along Hampton Lane and 34 feet from the front property line along Queen Anne Drive. The current location of the residential structure is conforming to setback requirements of the R-3 Residential Zoning District. The site is served by two side-by-side off-street parking spaces which are accessed by a driveway from Hampton lane.

The applicant is requesting a special exception to reduce the required 25-foot setback along Queen Anne Drive to 10 feet to allow construction of a two-car garage with mudroom in conjunction with a by-right addition that includes a second storey over one-half of the existing residential structure along with a one-storey family room addition to the rear wall of the existing structure, a new screened porch and kitchen renovations. As proposed, the two-car garage encroaches about 15 feet beyond the building restriction line and the mudroom (located behind the garage at an off-set) encroaches approximately seven feet beyond the building restriction line. The garage will be served by the existing driveway that provides 13% coverage of the front yard where the maximum coverage is 25%. The proposed mudroom will link the rear of the garage with other by-right improvement proposed to the rear of the existing residence.



**Subject property**





Subject site and surrounding community





**View of the subject property with proposed additions**

### **ANALYSIS OF SPECIAL EXCEPTION CRITERIA**

The staff recommendation for this application is based on analysis of the following criteria for Special Exception review as specified in City Code Section 110-369(6):

- a) The site for the proposed use is adequate in size and shape, and the proposed use will not negatively affect adjacent property or the surrounding area.

The subject property is a 0.292-acre parcel (12,720 square-feet) which exceeds the minimum lot size requirement of 9,500 square feet in the R-3 District. The property measures approximately 95 feet in width at the building restriction line adjacent to Hampton Lane. The property measures approximately 140 feet in width at the building restriction line adjacent to Queen Anne Drive. The property meets or exceeds the minimum lot width requirement, along both frontages, of 95 feet for



a corner lot in the R-3 District. The existing single-family detached structure is set back 13 feet from the side property line to the west and 73 feet from the side property line to the southeast where the requirement for the side setback is 12 feet. The proposed garage addition meets the required setback of 25 feet from Hampton Lane; however, the garage will extend 15 feet into the required 25-foot setback along Queen Anne Drive. The requested special exception will allow construction of approximately one-half of the proposed two-car garage in the required front yard area.

*The subject property is adequate in size and shape for the residential use; however, is not adequate in size and shape to accommodate the addition of a two-car garage as proposed.*



A survey of 39 properties surrounding the subject property revealed eight properties currently have garages, 10 properties have carports and 21 properties (including the subject property) have only driveways. Improvements on other properties along Queen Anne Drive have been allowed to extend up to five feet beyond the building restriction line leaving 20 feet to the street right-of-way.

Two of the eight properties with garages (3537 Queen Anne and 3539 Queen Anne) received special exceptions from the Board of Zoning Appeals to reduce the required front yard setback to accommodate the garages. Alternatively, a one-car garage could be constructed on the subject site to extend not more than five feet beyond the building restriction line, and would be consistent with the previous approval for an attached garage at 3537 Queen Anne Drive. However, the detached garage at 3539 Queen Anne was approved to extend 15 feet beyond the building restriction line along McLearen Court where the requirement is 25 feet and where the majority of properties in the neighborhood have neither garage nor carport.

*Staff believes the proposal for a 60% reduction of the required front yard is inconsistent with the character of the surrounding neighborhood including properties where required yards have been given relief from the standard.*

- b) The Special Exception will not be inconsistent with the objectives specified in the *Comprehensive Plan*.

The City of Fairfax Comprehensive Plan (adopted July 27, 2004) does not directly address the issues of building restriction lines and setbacks as they pertain to this particular property. However, there are relevant references in the Plan that relate to the character of the area in which this property and proposed project are situated (i.e. low density residential, historic, infill). Excerpts from the Comprehensive Plan are listed below:

The *Comprehensive Plan* encourages the upgrading of the City's existing housing stock and preservation of existing neighborhood character. More specifically:

- Comp Plan objective CA-2 – Enhance the appearance of the City's mature neighborhoods:
  - Redevelopment of neighborhoods in a manner that protects City character.
  - Result is the improved appearance individual units, as well as entire neighborhoods.
- Housing objective HOU-2 – Preserve and enhance the City's existing housing stock. Analyze the City's residential neighborhood patterns and ensure that traditional neighborhood characteristics are respected as these neighborhoods undergo change.
  - Actively promote existing housing preservation programs, particularly in neighborhoods identified for improvements.
  - Aggressively pursue activities that will result in the improvement of the City's neighborhoods.

The existing residential structure was constructed in 1963 when the Fairmont Estates subdivision was developed. The existing split-level home is typical of homes found in the surrounding neighborhood. The applicants are proposing extensive renovations to enlarge and upgrade the property through the Renaissance Housing Program. The applicant has stated that the proposed renovations will incorporate the architectural style and building materials of the original structure.

The proposed additions (second floor addition, kitchen expansion and family room, mud room, two-car garage and a covered screened deck) represents an estimated \$135,500 increase to the assessed value of the structure. This is a 30% increase over the homes current assessed value. At a value of \$30 per square-foot the applicants' proposed two-car garage (24 feet wide by 23.6 feet deep) will contribute \$17,000 in improvement value. Alternatively a one car garage could be constructed approximately 12 feet wide by 23 feet deep and would create an \$8,280 increase in value.

*Staff believes that the request for a reduced setback is not consistent with preserving the existing neighborhood design character. Alternative designs that require less encroachment, such as a one-car garage or carport, would be more appropriate. However, in general the applicant's proposal to enhance the value of the property is consistent with the recommendations of the Comprehensive Plan supporting upgrading of the City's existing housing stock.*

- c) The applicant has demonstrated that the requirements of this chapter are unreasonable or impractical due to unusual building design, lot shape or mature vegetation; or there are practical siting constraints where original placement of the dwelling on the lot prohibits reasonable improvements that meet existing requirements.



Pursuant to City Code Section 110-517(3) the building restriction line is established 25 feet from the right-of-way line. The area between the property line and the building restriction line is the City standard for the required front yard that is expected to remain open and unoccupied. The existing residential structure is set back about 34 feet from the right-of-way line along Queen Anne Drive. Excluding the 25-foot-wide building restriction area leaves the property owner with an area that extends about nine feet from the side of the existing structure that faces Queen Anne Drive. This physical limitation creates a practical siting constraint for placement of the proposed two-car garage in an area that is nine feet wide, that connects with the existing driveway and that complies with the building restriction line. An alternative is to reduce the width of the proposed garage thereby minimizing the extent of the encroachment into the required front yard.

The applicants have not demonstrated that the requirements of this chapter are unreasonable or impractical due to unusual features of the property that prohibit reasonable improvement. The primary physical constraints (for the proposed garage) are the location of the existing driveway and existing trees in the rear yard. The City encourages tree preservation, however, tree removal on lots under one-half acre are not regulated in recognition of limited lot area and the need for flexibility to fully utilize open areas on lots under one-half acre. Consequently, the sizeable area behind the existing structure could accommodate a larger garage with minimal if any relief from the City standard. The applicant's request for special exception to the City standard for front yard area exceeds the minimum relief necessary to allow reasonable improvement.

*The applicant has not demonstrated that the requirements of this chapter are unreasonable or impractical due to unusual building design, lot shape or mature vegetation; or there are practical siting constraints where original placement of the dwelling on the lot prohibits reasonable improvements that meet existing requirements.*

d) The proposed structural modifications meet sound residential design objectives to:

1. Minimize loss of privacy on neighboring properties.

The subject site is a corner lot and the requested reduction of the required front yard only affects the street frontage along Queen Anne Drive. The closest residence, located across Queen Anne Drive, will be approximately 115 feet from the proposed garage addition. The applicants' proposed addition reduces the front yard area to ten feet along the side of the garage, and to 18 feet along the side of the mudroom. The proposed encroachment into the required front yard along Queen Anne Drive is not expected to impact the privacy of properties across Queen Anne Drive.

*The applicant's proposal is not expected to contribute to the loss of privacy to neighboring properties.*

2. Maximize image of quality residential development to the street frontage.

The applicants are requesting a front yard setback reduction to allow the addition of a two-car garage with mudroom where the existing two-car driveway terminates and in conjunction with by-right improvements that include a new porch, expansion of the second floor, enlargement of the existing kitchen and the addition of a family room with screened deck.

The proposal to expand and upgrade the existing residential structure is expected to provide a substantial enhancement to the image of quality residential development. However,

maintaining the City standard for residential development, including the required front yard area, also contributes to the overall quality of the improvement on the subject site, to consistency and compatibility with adjacent properties and to the stability of the neighborhood.

The applicants propose that the architectural character of the original house will be continued by using matching siding for the proposed additions, including the proposed garage. The garage will be the only ground level floor, visible from the street, finished in siding rather than brick.

*Staff believes the requested reduction of the required front yard area to allow the proposed garage does not maximize the image of quality residential development to the street frontage along Queen Anne Drive.*

3. Maximize window area from living rooms, dining rooms, kitchens, dens and family rooms facing the street, within the context of the original building design.

The proposed garage addition will incorporate two windows and the mudroom will have one small window, all facing Queen Anne Drive, and providing some minimal articulations in the siding materials on the wall facing the street.

*The applicants' proposal to include windows for the garage/mudroom provides a residential feature for the garage wall that faces Queen Anne Street.*

4. Avoid reduction of light and air to neighboring properties.

The proposed two-car garage addition will encroach into the required front yard setback along Queen Anne Drive, reducing the front setback by 60% (15-feet). The proposed encroachment will not affect light and air to adjoining properties; however, the proposed extent of the encroachment creates a substantial deviation that affects the residential streetscape along Queen Anne Drive and is inconsistent with the general neighborhood character. Other examples of reductions to the front yard in the vicinity have maintained 15 to 20 foot-wide yards resulting in the minimum impact to the streetscape.

*The applicant's proposal avoids reduction of light and air to neighboring properties.*

5. Minimize development of front yard as driveways.

The site is currently served by a driveway with side-by-side parking accessed from Hampton Lane. The lot was originally constructed with a narrow driveway less than ten feet wide. Between 2002 and 2007 the applicants replaced the original driveway with the existing 22-foot-wide driveway. The proposed two-car garage addition has been located to best utilize the existing driveway. The subject special exception request proposes to use the driveway in its current configuration and which does not exceed the maximum driveway coverage allowed.

*The proposed garage addition will minimize the development of front yard areas as driveways by utilizing the existing driveway to access the garage.*



## CONCLUSIONS

Based on the review of City Code Section 110-369(6) as it pertains to application SE-12070088 staff concludes that:

1. The proposal for an improvement that is intended to upgrade the subject site is consistent with the recommendations of the *Comprehensive Plan* to reinvest in existing properties. However, the extent of the request for relief from the City standard is not consistent with Plan objectives to preserve existing neighborhood character.
2. The site is adequate for the existing residential use and proposed by-right additions; however, the site is inadequate in size and shape to accommodate the proposed two-car garage in addition to the other planned improvements.
3. The proposal for reduction of the required front yard will set a precedent for granting relief along Queen Anne Drive that could negatively affect standards for neighborhood improvement and the streetscape.
4. The applicant has not demonstrated that the requirements of this chapter are unreasonable or impractical due to unusual building design, lot shape or mature vegetation; or there are practical siting constraints where original placement of the dwelling on the lot prohibits reasonable improvements that meet existing requirements.
5. The proposal to reduce the required front yard and allow placement of the garage sidewall ten feet from the public right-of-way where 25 feet is required does not maximize quality residential development to the streetscape.

## RECOMMENDATION

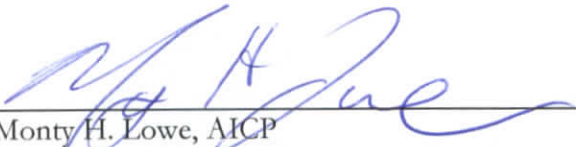
In consideration of the conformance of this proposal with the applicable R-3 District standards staff hereby recommends denial of the applicants' request.

However, if the Board of Zoning Appeals should decide to support the applicants' request staff recommends the following minimum development conditions:

1. The applicant shall construct the proposed addition in substantial conformance with the plat for 9811 Hampton Lane dated June 29, 2000, as amended by the applicant and submitted with the subject application and further revised to reduce the proposed garage to a 12-foot-wide one-car garage.
2. The applicant shall ensure the garage addition is used principally for vehicle storage.
3. The applicant shall amend the elevations of the garage addition to depict brick or stone elements including but limited to a watertable that is compatible with the existing materials subject to review and approval by the Zoning Administrator.
4. The applicant shall install plant material along Queen Anne Drive or along the foundation to mitigate the reduced yard area and add to the residential character of the garage addition, subject to review and approval by the Zoning Administrator.




**PREPARED BY:**

  
\_\_\_\_\_  
Monty H. Lowe, AICP  
Deputy Zoning Administrator

1 Feb 2013  
\_\_\_\_\_  
DATE

**REVIEWED AND APPROVED:**

  
\_\_\_\_\_  
Michelle Coleman  
Zoning Administrator

2-1-2013  
\_\_\_\_\_  
DATE

**REVIEWED AND APPROVED:**

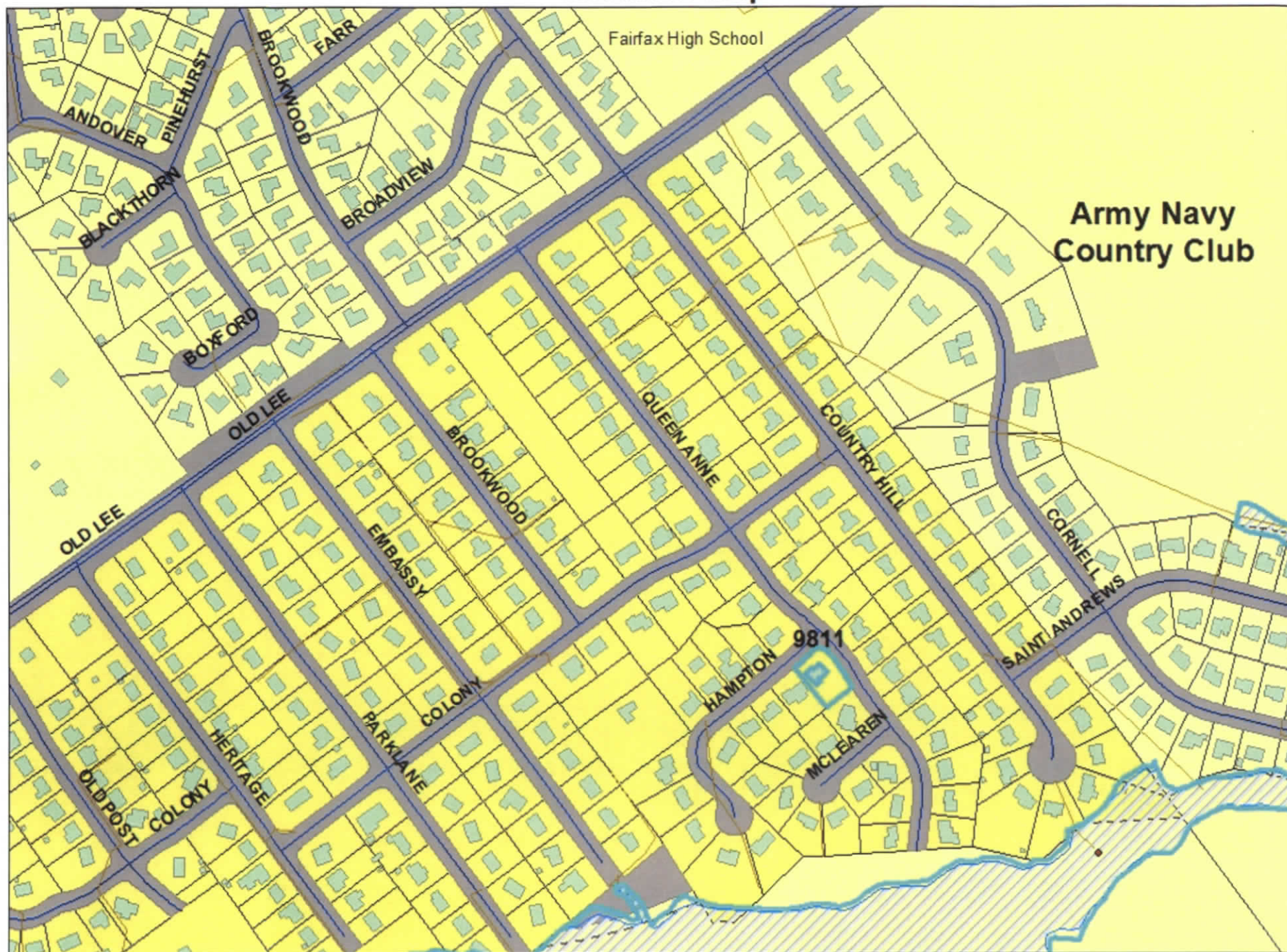
\_\_\_\_\_  
David B. Hudson, AICP  
Director  
Community Development & Planning

\_\_\_\_\_  
DATE

**ATTACHMENTS**

- A. Location Map
- B. Application with Statement of Support
  - (1) Architectural Renderings
  - (2) Applicants' Pictures
  - (3) Petition of Support
  - (4) Letters from Neighbors
- C. Staff's Photograph
- D. Sample Resolutions
- E. Sample Motions
- F. Plat

## Location Map





# RECEIVED

MAY 31 2011

Dept. of Community  
Development & Planning

Application No. SE-11050169

## LAND USE APPLICATION CITY OF FAIRFAX

I/We Daniel and Allison Vess by us  
(name of applicant) (authorized agent's name and relationship to applicant)  
a corporation / general partnership / limited partnership / sole proprietorship / individual (circle one) which is the  
property owner / contract purchaser / lessee (circle one)  
of 9811 Hampton Lane, Fairfax, VA 22030 / Tax Map# 58-1-14-006  
(address and tax map # of subject property)

hereby apply for a Special Use Permit/Special Exception/Variance (circle one) pursuant to  
Section 110-517-3b of the City Code to allow (describe request) Reduction of Building  
Restriction Line (brl) from 25 feet to 10ft to build an attached 2-car garage.  
City Code References: a building addition with

[Signature]  
(signature of applicant or authorized agent)

(title or relationship)

Address 9811 Hampton Lane, Fairfax, VA 22030 Phone: 703-626-0625

### THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER

I/We Dan & Allison Vess by us hereby certify that the applicant  
named above has the authority vested by me to make this application.

[Signature]  
(signature of owner or authorized agent)

(title or relationship)

Address 9811 Hampton Lane, Fairfax, VA 22030 Phone: 703-626-0625

### FOR OFFICE USE ONLY

Proposal filed: 5/31/11  
Fee Paid: \$1 500<sup>00</sup>  
Previous Cases: \_\_\_\_\_

Received by: ade  
Receipt No. 33910

Current status of business license and fees:

Treasurer: All payments are current for owners (D. Vess). [Signature] 6/6/11

Commissioner of Revenue: Property owners have met the filing requirements of this office. [Signature] 6-6-11



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MAY 31 2011

AFFIDAVIT  
CITY OF FAIRFAX

Dept. of Community  
Development & Planning

I, Daniel Vess, by self do hereby make oath or affirmation that  
(name of applicant or agent)

I am an applicant in Application Number SE-11050169 and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

Name	Address	Relationship
Daniel Vess	9811 Hampton Lane	Homeowner
Allison Vess	9811 Hampton Lane	Homeowner

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name: N/A

Name	Address	Relationship

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

Partnership Name: N/A

Name	Address	Relationship

2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

NONE

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

NONE

WITNESS the following signature:

Daniel J. Vess Allison M. Vess  
Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 24 day of May, 20 11, in the State of Virginia

My commission expires: 09-30-2011

Shanna Lillywhite #339736  
Notary Public/Registration #





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NOV 30 2012

Dept. of Community  
Development & Planning

Daniel & Allison Vess  
9811 Hampton Lane  
Fairfax, Virginia 22030

City of Fairfax Board of Zoning Appeals,

We, Daniel and Allison Vess, request the granting of a special exception to allow reduction of a front yard set back from 25 feet to 10 feet in order to construct an addition to our residence. The addition will consist of a 2 car garage, a mudroom, and a kitchen / family room expansion. This is a corner lot and the garage would be constructed in what most would consider a side yard.

The attached 2-car garage and mudroom will be constructed at the end of the existing house structure. Adding the structure in this location will

- Permit the structure to be tied into a new joint family room addition and kitchen modernization / expansion.
- Not change the architectural style of the house and not differ from the current character of the neighborhood.
- Preserve the current driveway and existing driveway curb apron.
- Prevent the removal of any large mature trees on the property.
- Be least disruptive to neighbors as it borders a street.

Other possible locations for the addition would be further in the backyard. This location is not desirable for the following reasons.

- Adding a garage in this location would not allow connection to the existing structure.
- Several large trees would need to be removed.
- Reduction of private usable green space.
- Reduction of privacy for back-door neighbor as structure would begin to encroach on that property.
- A new curb apron and driveway would be required.

Previously, the Board has approved exactly this type of request for a property within our neighborhood (3539 Queen Anne Drive) reducing the front yard set back to 10 feet in the front of the house.

There are several other homes in our neighborhood that have attached garages and carports (see attached photos). Additionally, there are many other houses in our neighborhood that have gone through similar renovations to bring their homes more inline

(great rooms, larger kitchens) with current housing requirements. Therefore we do not feel that this addition of a garage, mudroom, and family room would change the character of the neighborhood.

The City of Fairfax Neighborhood Renaissance Programs were created to help City of Fairfax homeowners modernize and improve their homes. We believe our request to add a 2-car garage; along with modernizing our kitchen and a family room addition, will bring this home more in line with newer homes being constructed today.

This garage will be used as a garage only and never be converted into living space. The area above the parking area ("attic") will be used for storage.

The addition of the garage, along with the addition of the mud room, family room and kitchen would increase the assessed value of the house, thereby increasing tax revenue for the City of Fairfax.

Thank you for your consideration of our request for an exception to the front-yard setback regulation in order to add a 2-car garage and mudroom, with the planned family room addition and kitchen expansion / modernization.

Sincerely

A handwritten signature in blue ink, appearing to read "Daniel Vess".A handwritten signature in blue ink, appearing to read "Allison Vess".

Daniel Vess  
Allison Vess





FRONT ELEVATION - OPTION 1

VESS RESIDENCE

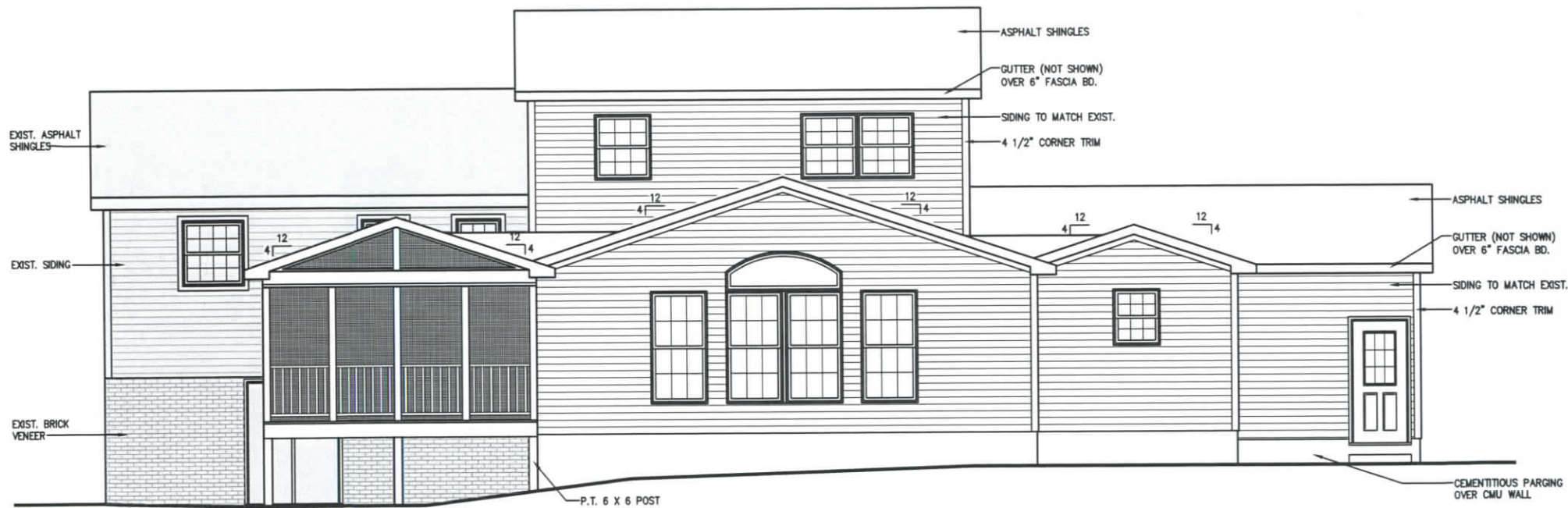
1/8" = 1'-0"

OCT 22, 2012

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NOV 30 2012

Dept. of Community  
Development & Planning



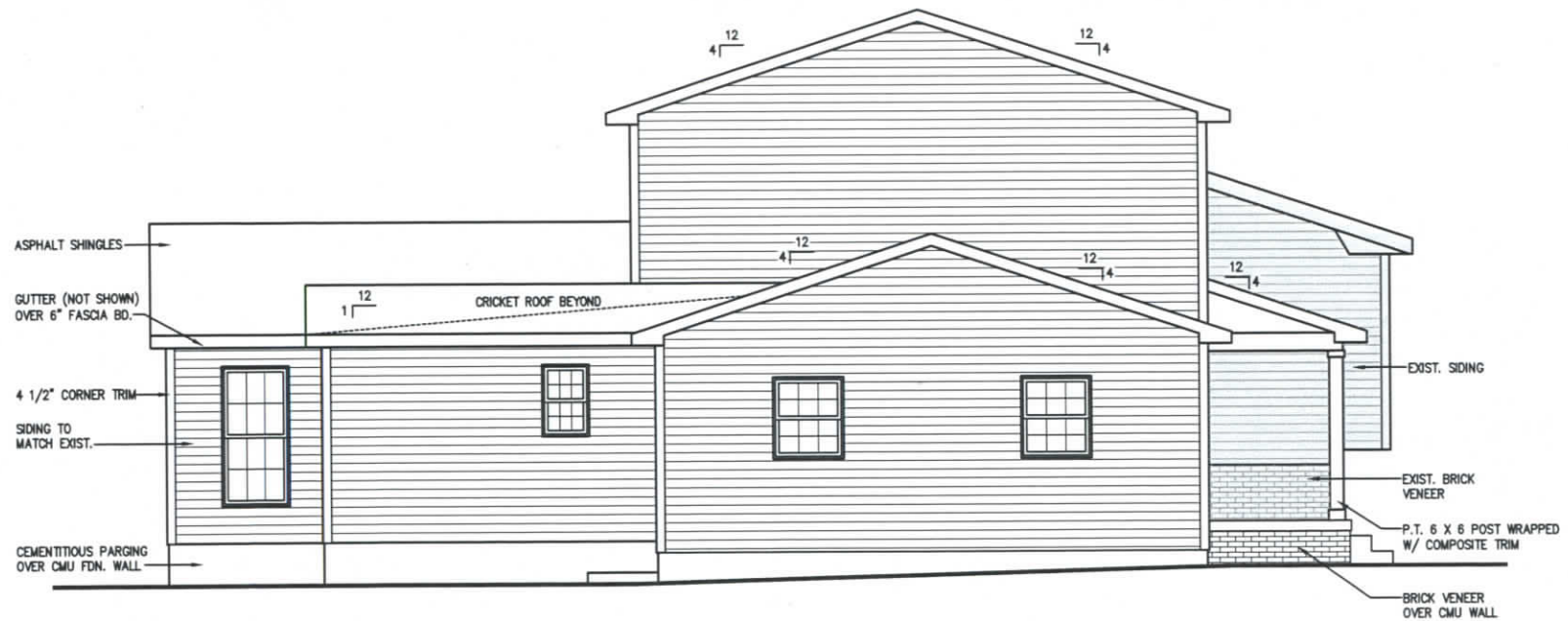
REAR ELEVATION - OPTION 1

VESS RESIDENCE

1/8" = 1'-0"

OCT 22, 2012



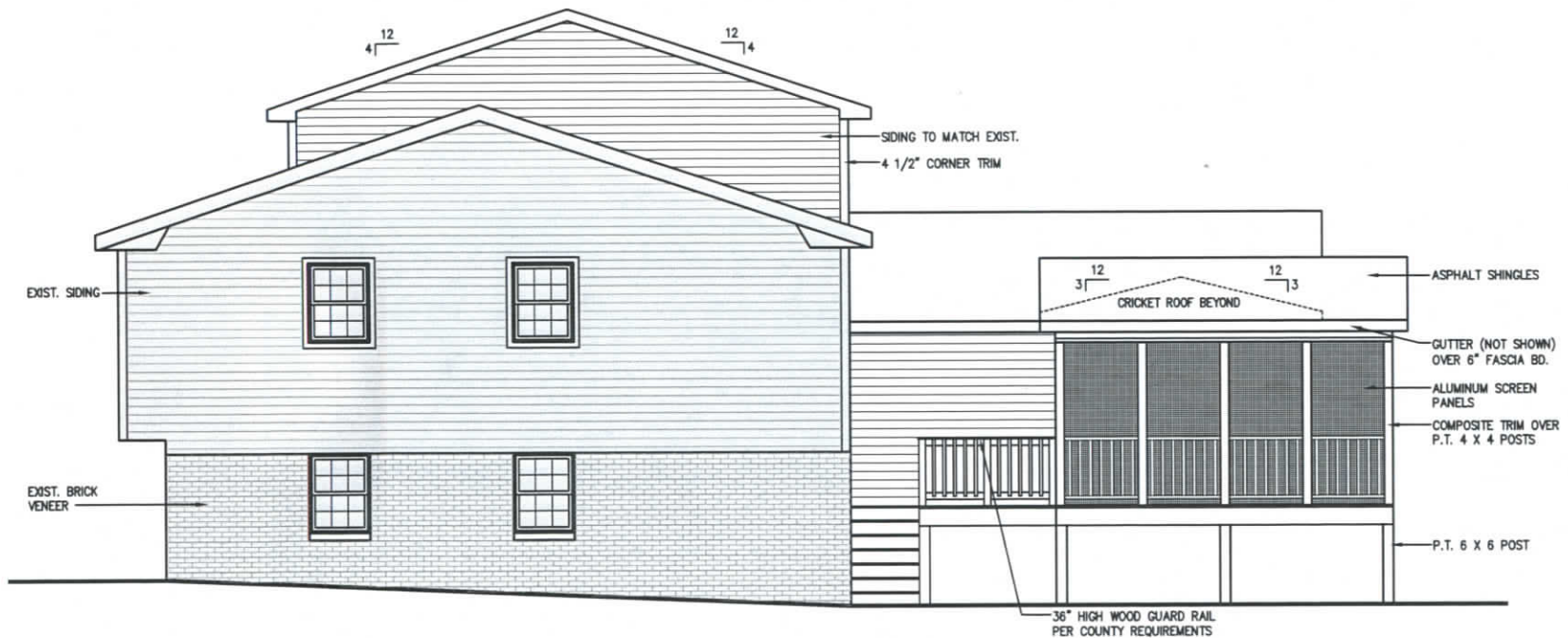


GARAGE SIDE ELEVATION - OPTION 1

VESS RESIDENCE

1/8" = 1'-0"

OCT 22, 2012



SCREEN PORCH SIDE ELEVATION - OPTION 1

VESS RESIDENCE

1/8" = 1'-0"

OCT 22, 2012



Pictures of location where garage would be built

(Provided by Applicants)







Photos of houses with carports and garages.

(Provided by Applicants)

















To Whom It May Concern:

We the undersigned property owners residing in the vicinity of 9811 Hampton Lane, enthusiastically support the application for an exception to the front yard setback in order to build a 2-car garage, mudroom and screened-in porch.

We feel this addition will enhance the character of the neighborhood.

Thank you for your consideration of their application.

JANE WOODS  
Name

[Signature]  
Signature

STEPHEN L MOLONEY  
Name

[Signature]  
Signature

LAUREN & TOM JACKMAN  
Name

[Signature]  
Signature

ALBERT J. BARTLETT  
Name

[Signature]  
Signature

Charles G. Brooks  
Name

[Signature]  
Signature

DON & ERDINE WALTER  
Name

[Signature]  
Signature

3527 QUEEN ANNE DR 22030  
Address

04/14/11  
Date

9813 HAMPTON LN 22030  
Address

4/14/11  
Date

3530 QUEEN ANNE DR. 22030  
Address

4.14.11  
Date

3534 QUEEN ANNE DR  
Address

4/14/11  
Date

15 Apr 2011  
Date

9810 Hampton Lane  
Address

Date

3532 Queen Anne Dr,  
Address

Fairfax VA 22030  
Date

4-27-2011



January 30,2013

Board of Zoning Appeals,

As a resident of Old Lee Hills, I received a letter from the City of Fairfax informing me that Daniel and Allison Vess, owners of the property at 9811 Hampton Lane, are requesting a zoning variance to build a garage. I have three major reservations about their constructing such a structure. First of all, I don't believe there is enough space on the side of their home to allow adequate distance between the new structure and the sidewalk. I feel the building would be encroaching too close to the public walkway. Secondly as a homeowner, a garage in that space would block my view from my home of Queen Anne Drive and Hampton Lane. Thirdly, because they are requesting a special variance, they apparently will need to build the garage outside of the perimeters already set by the zoning office as sufficient room to construct such a building. As such I feel there isn't enough space for them to build a garage aesthetically pleasing to the eye and keeping with the well-groomed look of the neighbor. It is for these three reasons that I would be against their receiving a special zoning variance for a garage.

To guard against ill-will in the neighborhood, I would prefer to remain anonymous. Thank you for your time in listening to my concerns.

1/30/13



*Mr. Lowe,  
We have no objection to the request of Daniel and  
Allison for the construction of the addition outlined  
below.  
I just wish we could do the same, but in a lessor case -*

**City of Fairfax**

**10455 Armstrong Street  
Fairfax, Virginia 22030-3630**

*Sincerely and warm regards,  
Albert J. Bartlett  
3534 Queen Anne Dr  
Fairfax Va  
22030-1852*  
January 25, 2013

Re: 9811 Hampton Lane

Dear Property Owner:

Current City real estate records indicate that you are the owner of land near or adjacent to the property which is the subject of the above-referenced application. Pursuant to City Code Section 110-5(c) and 110-366(2), **you are hereby notified that the Board of Zoning Appeals at its meeting on Tuesday, February 5, 2013 at 7:00 p.m. in City Hall Annex, Room 100, 10455 Armstrong Street, will hold a public hearing to consider the following:**

**SE-11050169**

Request of Daniel and Allison Vess, Property Owners, pursuant to City Code Sections 110-518 and 110-369, for a special exception to City Code Section 110-517(3) to reduce the front yard building restriction line to 10 feet where a 25-foot setback is required for construction of an addition (attached two-car garage) to the existing single-family detached residence in the R-3 Residential District on the premises known as 9811 Hampton Lane, and more particularly described as tax map parcel 58-1-((14))-006

You are entitled to speak at the public hearing, or you may submit written testimony. A copy of the application is available for review in the Department of Community Development and Planning, Annex Room 207, City Hall.

If you have questions regarding the application, please call the Zoning Office at 703-385-7820.

Sincerely,

*Monty Lowe*

Monty Lowe  
Deputy Zoning Administrator

cc: Michelle Coleman

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JAN 31 2013

Dept. of Community  
Development & Planning











01.23.2013 17:42



01.23.2013 17:42



01.23.2013 17:43



01.23.2013 17:40



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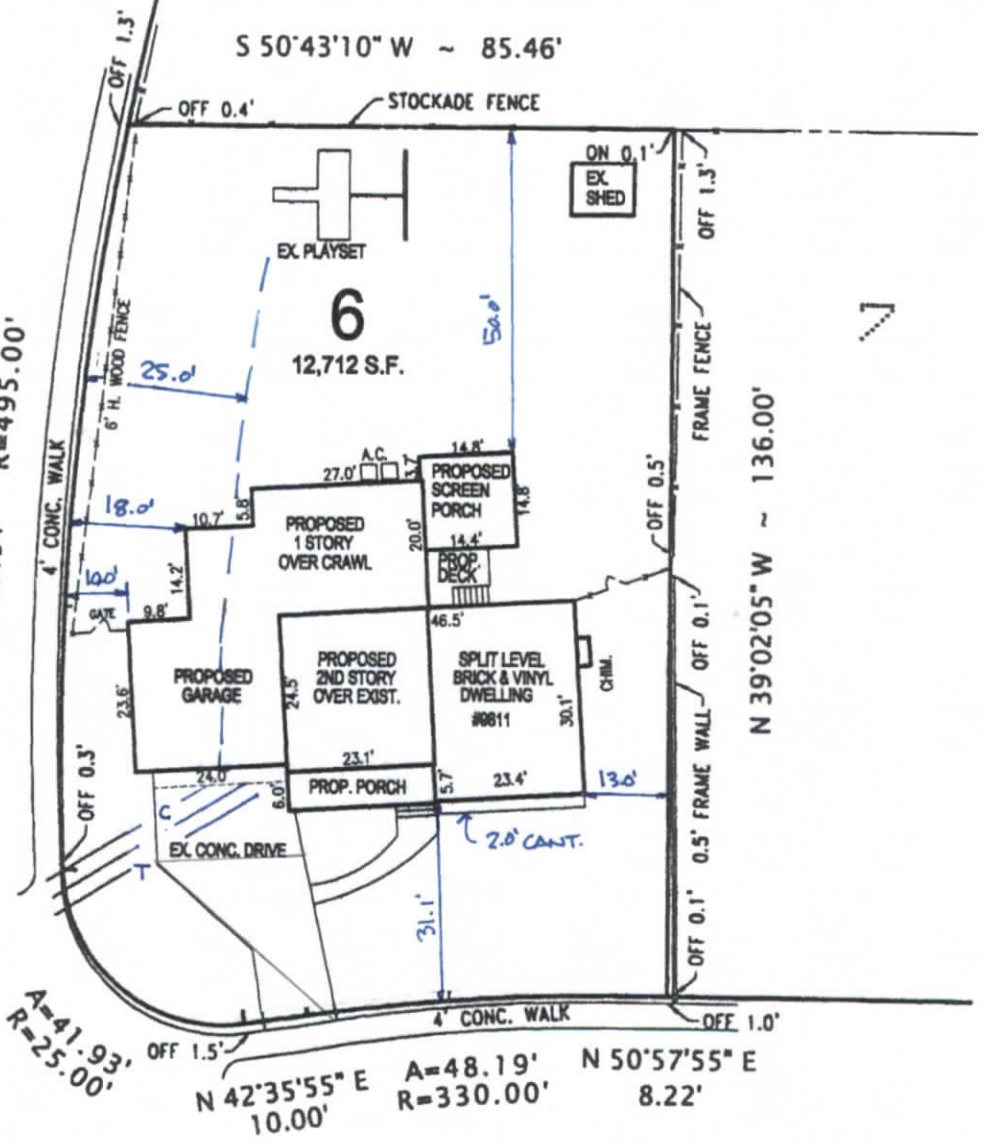
QUEEN ANNE DRIVE  
50' R/W

A=117.51' R=495.00'

A=41.93' R=25.00'

AMAN'S  
FAIRMONT ESTATES  
18

S 50°43'10" W ~ 85.46'



HAMPTON LANE  
50' R/W

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NOV 30 2012

Dept. of Community  
Development & Planning

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 6, SECTION 6  
**FAIRMONT ESTATES**  
CITY OF FAIRFAX, VIRGINIA  
SCALE: 1" = 30'  
JUNE 29, 2000

PLAT SUBJECT TO RESTRICTIONS OF  
RECORD.  
TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF  
ALL THE EXISTING IMPROVEMENTS HAVE BEEN  
CAREFULLY ESTABLISHED BY A TRANSIT TAPE  
SURVEY AND UNLESS OTHERWISE SHOWN,  
THERE ARE NO VISIBLE ENCROACHMENTS.  
  
KENNETH W. WHITE . . . . . L.S.



CASE NAME:  
REGAN - VESS  
ALBANESE & ASSOCIATES, P.C.

ALEXANDRIA SURVEYS, INC.  
6343 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22306  
703-660-6615  
FAX 703-768-7764